



**US Army Corps
of Engineers**

Vicksburg District
4155 Clay Street
Vicksburg, MS 39183-3435
www.mvk.usace.army.mil



Public Notice

APPLICATION NO.:	JAG-MVK-2005-739
EVALUATOR:	Joseph Greenleaf
PHONE NO.:	(601) 631-7139
FAX NO.:	(601) 631-5459
E-MAIL:	regulatory@mvk02.usace.army.mil
DATE:	August 24, 2005
EXPIRATION DATE:	September 14, 2005

Interested parties are hereby notified that the U.S. Army Corps of Engineers, Vicksburg District, and the Mississippi Department of Environmental Quality, Office of Environmental Services are considering an application for a Department of the Army permit and State water quality certification for the work described herein. Comments should be forwarded to the Vicksburg District, ATTN: CEMVK-OD-F, at the above address and the Mississippi Department of Environmental Quality, Office of Environmental Services, Post Office Box 10385, Jackson, Mississippi 39289-0385, and must reach these offices by the cited expiration date.

Law Requiring a Permit: Section 404 of the Clean Water Act (33 U.S.C. 1344), which applies to discharges of dredged or fill material into waters of the United States.

Name of Applicant:
Mr. Kent Norman
Belz Investco G.P.
100 Peabody Place, Ste. 1400
Memphis, Tennessee 38103

Name of Agent:
Mr. Timothy Brophy
Heineke & Associates, Inc.
2978 Shelby Street
Bartlett, Tennessee 38134

Location of Work: Section 23, T1S-R6W, UTM Zone 16, Easting 243500, Northing 3874900, within the Yazoo River drainage basin, Desoto County, near Olive Branch, Mississippi.

Description of Work: (See enclosed map and drawings.)

The following descriptions of the proposed project and associated impacts are based upon information provided by the applicant.

The applicant is applying for a Department of the Army permit to place fill into "other waters of the United States" associated with the construction of a warehouse complex. The project would involve the construction of five (5) buildings, roadways, detention basins, and parking areas. The project would require the relocation of 1,570 linear feet (0.22 acre) of intermittent streams. No wetlands would be impacted by this project.

Stream 1, as it exists now, is a deeply incised channel. The banks of Stream 1 are relatively straight and lack the sinuosity of a natural channel. The channel substrate ranges from silty clay to sandy gravel. It is essentially devoid of trees, but there are a few scattered sapling black willows and sycamores. The dominant streamside herbaceous vegetation is comprised of kudzu, Japanese honeysuckle, multi-flora rose, and Bermuda grass.

Stream 2 is incised 6 to 8 feet below ground level. The substrate is also silty clay to sandy gravel. This stream has a slightly more natural and meandering channel than does Stream 1. Stream 2 is also largely devoid of trees. There are a few scattered American elm and sweetgum. The dominant herbaceous plant along this channel is kudzu, with lesser quantities of Japanese honeysuckle, wild garlic, Chinese privet, common bedstraw, giant cane, smooth sumac, and poison ivy.

The applicant has provided an alternative analysis, stating that two other sites were evaluated, but rejected. The first site did not have sufficient depth to allow for the construction of mega-warehouses which require cross-docking. Additionally, developing that site would require relocating an intermittent stream equal in length to that being relocated on the subject site. The second site proved too small at only 12 acres.

This project would require utilizing virtually all of the available property. The intermittent stream runs diagonally across the southern quarter of this site and its current position within the property makes development of a distribution center untenable. Distribution centers consist of extremely long and wide warehouses. Buildings of this nature require standard depths, minimal numbers of dock positions and trailer storage spaces, appropriate access, long straight walls, deep truck courts, and "clean geometry". The existing stream location is in conflict with these planning principles to the point of impracticability.

The applicant proposes to mitigate for the loss of "other waters" by relocating and restoring the stream and aquatic habitat on site. The proposed, relocated channel would be approximately 1,600 feet long with 2:1 (horizontal : vertical) slopes. The new stream would be comprised of 2 tributaries which join and run due

west along the southern property line. At a point approximately 400 feet from the western boundary, the created stream would merge back into the existing natural channel. The new channel would be stabilized before it is connected to the existing stream. All excavation, grading, and filling associated with the construction of the new stream channel and the elimination of the old channel would be conducted during dry conditions. Upon completion of the final grades, all disturbed areas would be stabilized and re-vegetated by sodding or a gabion mattress.

A riparian zone would be established along the relocated stream by planting both banks with trees on the level upper bank. Stream banks would be planted with native seedling trees. Trees would be planted at a rate of 400 trees per acre (ten foot centers) within the newly established riparian zone. The created streams would not be used for storm water detention. Separate basins would be created on-site for that purpose.

The relocated stream would be monitored at six month intervals for a period of five years, to assure mitigation success. Success criteria would include attainment of a 75 percent survival rate for five years, adequate species diversity, including at least 10 woody species and 15 herbaceous species, as well as a canopy cover of 30 percent or greater. Survival data would be reported after each sampling period. The applicant would be responsible for the success of the mitigation site unless that responsibility is formally transferred to another party, wherein the Vicksburg District would be notified within sixty days of that transfer. A perpetual declaration of restrictive covenants would be placed on the deed to the mitigation property and recorded with the Desoto County land records office. If the site fails to meet the specified performance standards, necessary steps (e.g., replanting or raising the height of the berm) would be taken as soon as feasibly possible to bring the site back into compliance.

The placement of dredged and/or fill material in waters of the United States associated with the relocation of intermittent streams requires a Department of the Army Permit.

Upon reviewing this notice, you should write to this office to provide your opinion of the impacts this work will have on the natural and human environment and address any mitigation you believe is necessary to offset these impacts. Other comments are welcome, but the above information will further our review of the applicant's plan as proposed. Comments of a general nature are not as helpful as those specific to the impacts of the subject project.

State Water Quality Permit: The State Pollution Control Agency must certify that the described work will comply with the State's water quality standards and effluent limitations before a Corps permit is issued.

Cultural Resources: An initial review indicates that the proposed project would not affect any of the sites in DeSoto County listed in the National Register of Historic Places. Copies of this notice have been sent to the State Historic Preservation Officer, Federally Recognized Tribes, the Corps archaeologists, and other interested parties for comment on potential effects to cultural resources that could result from this activity.

Endangered Species: Our initial finding is that the proposed work would not affect any endangered species or their critical habitat. This proposal is being coordinated with the U.S. Fish and Wildlife Service, and any comments regarding endangered species or their critical habitat will be addressed in our evaluation of the described work.

Flood Plain: In accordance with 44 CFR Part 60 (Flood Plain Management and Use), participating communities are required to review all proposed development to determine if a flood plain development permit is required. Flood plain administrators should review the proposed development described in this public notice and apprise this office of any flood plain development permit requirements.

Evaluation Factors: The decision whether or not to issue a permit will be based upon an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which may be expected to accrue from the proposal must be balanced against its expected adverse effects. All factors which may be relevant to the proposal will be considered; among these are conservation, economics, aesthetics, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use classification, navigation, recreation, water supply, water quality, energy needs, safety, food requirements and, in general, the needs and welfare of the people. Evaluation of the proposed activity will include application of the guidelines published by the Environmental Protection Agency under authority of Section 404(b) of the Clean Water Act.

Public Involvement: The purpose of this notice is to solicit comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties. These comments will be used to evaluate the impacts of this project.

All comments will be considered and used to help determine whether to issue the permit, deny the permit, or issue the permit with conditions, and to help us determine the amount and type of mitigation necessary. This information will be used in our Environmental Assessment or Impact Statement. Comments are also used to determine the need for a public hearing.

Opportunity for a Public Hearing: Any person may make a written request for a public hearing to consider this permit application. This request must be submitted by the public notice expiration date and must clearly state why a hearing is necessary. Failure of any agency or individual to comment on this notice will be interpreted to mean that there is no objection to the proposed work. Please bring this announcement to the attention of anyone you know who might be interested in this matter.

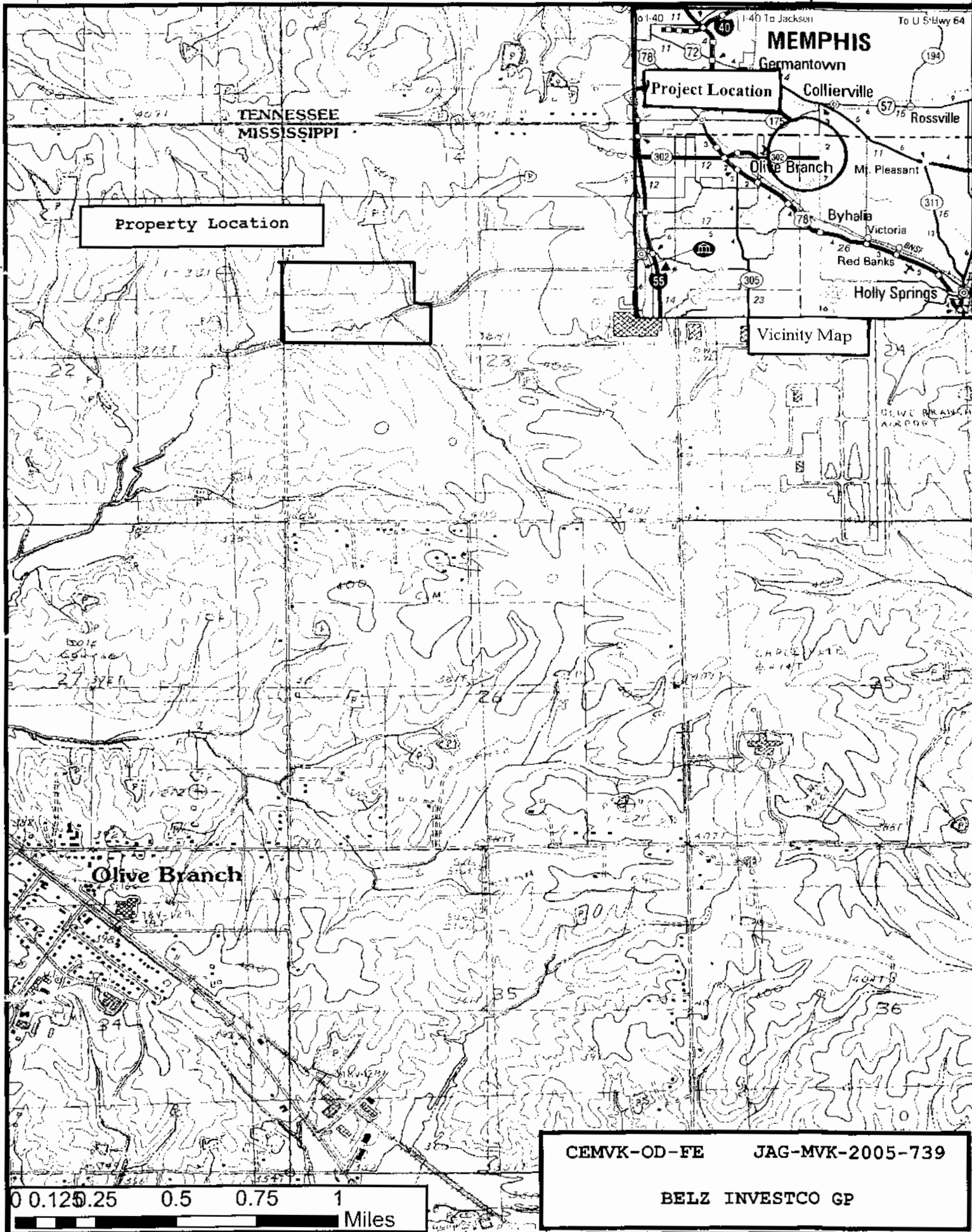
Notification of Final Permit Actions: Each month, the final permit actions from the preceding month are published on the Vicksburg District Regulatory web page. To access this information, you may follow the link from the Regulatory web page, <http://www.mvk.usace.army.mil/offices/od/odf/main.asp>, or go directly to the Final Permit Actions web page at <http://www.mvk.usace.army.mil/offices/od/odf/PubNotice/MonthlyNotice/pnmain.asp>.

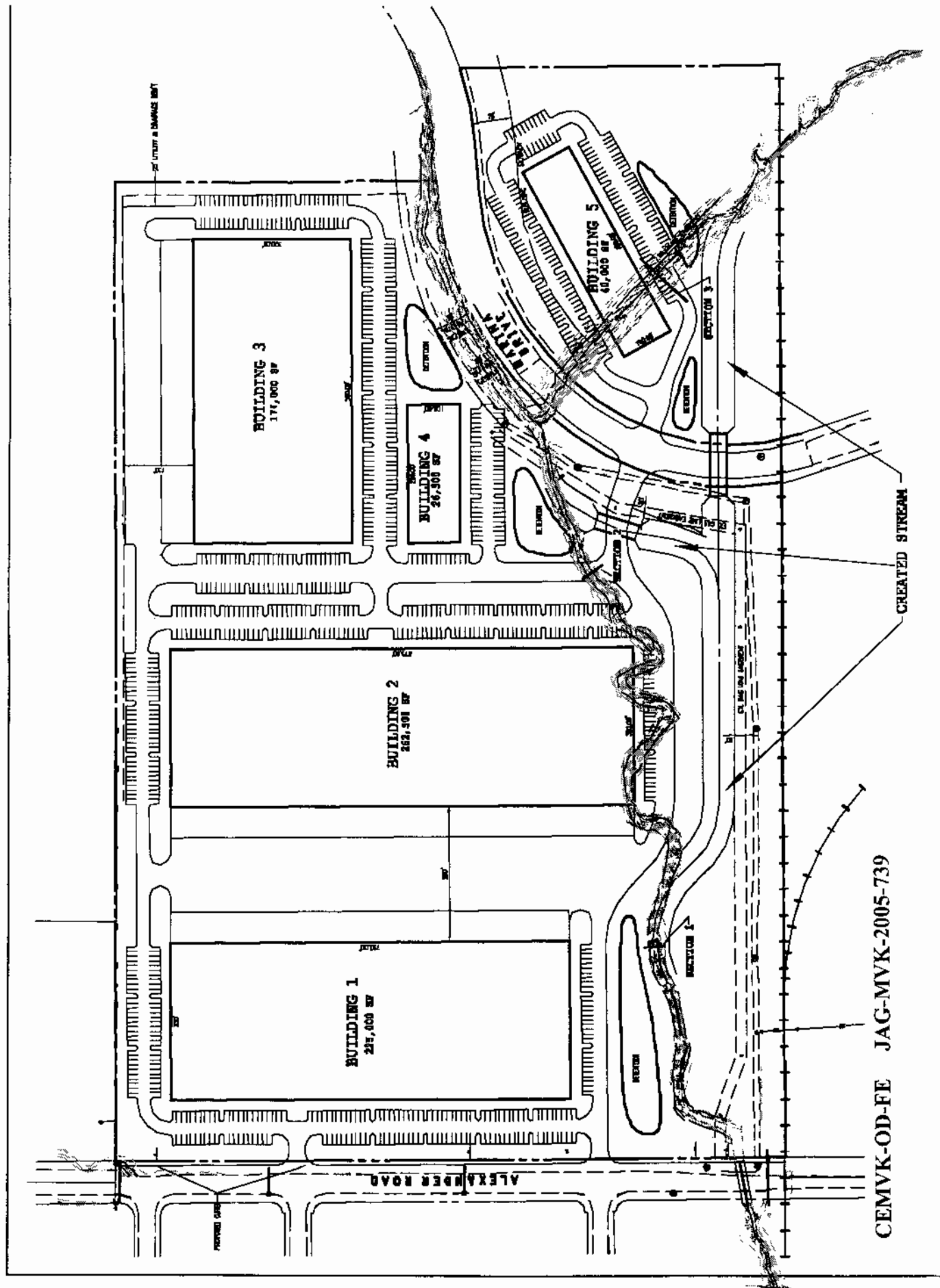
W. HAROLD LEE
Team Leader
Evaluation Section



Belz Metro Distribution Center

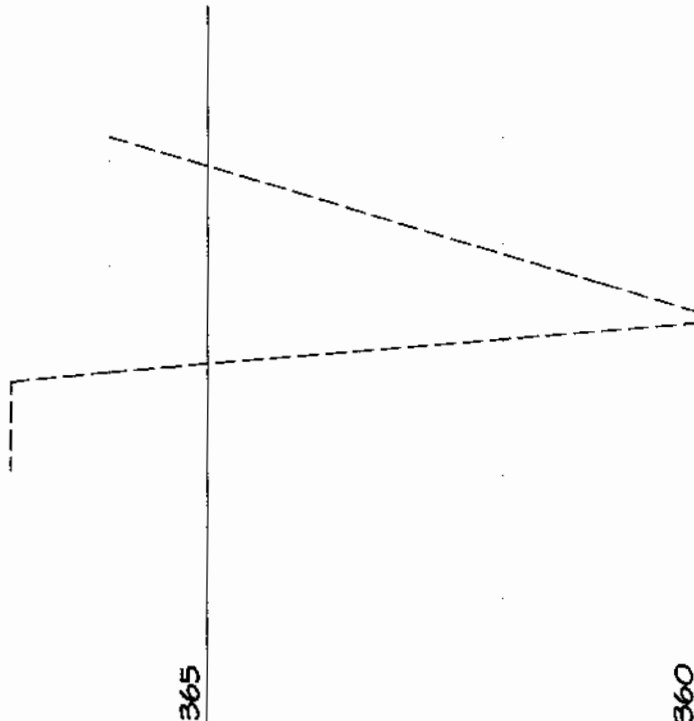
Olive Branch
7.5' USGS Quad





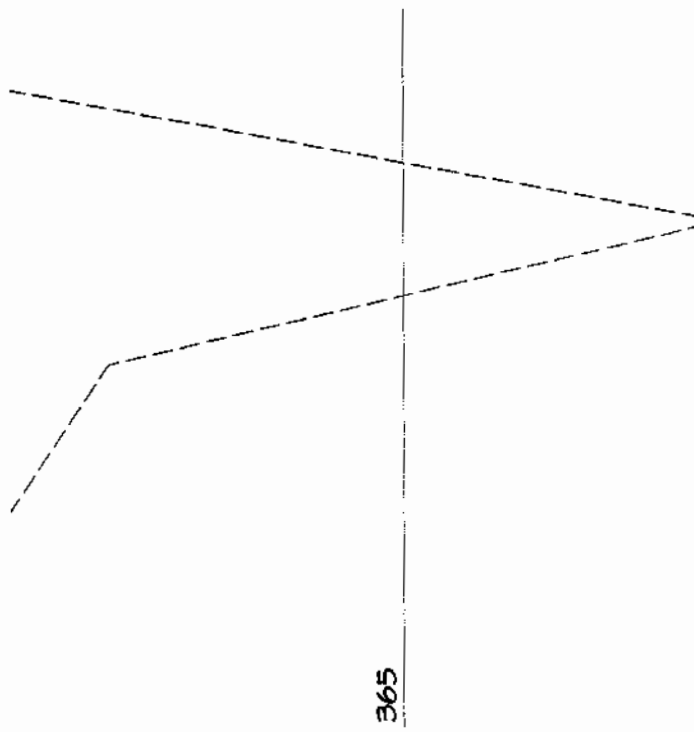
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BELZ-INVESTCO GP



SCALE 1"=20' H, 1"=2' V

Section 1



SCALE 1"=20' H, 1"=2' V

Section 2

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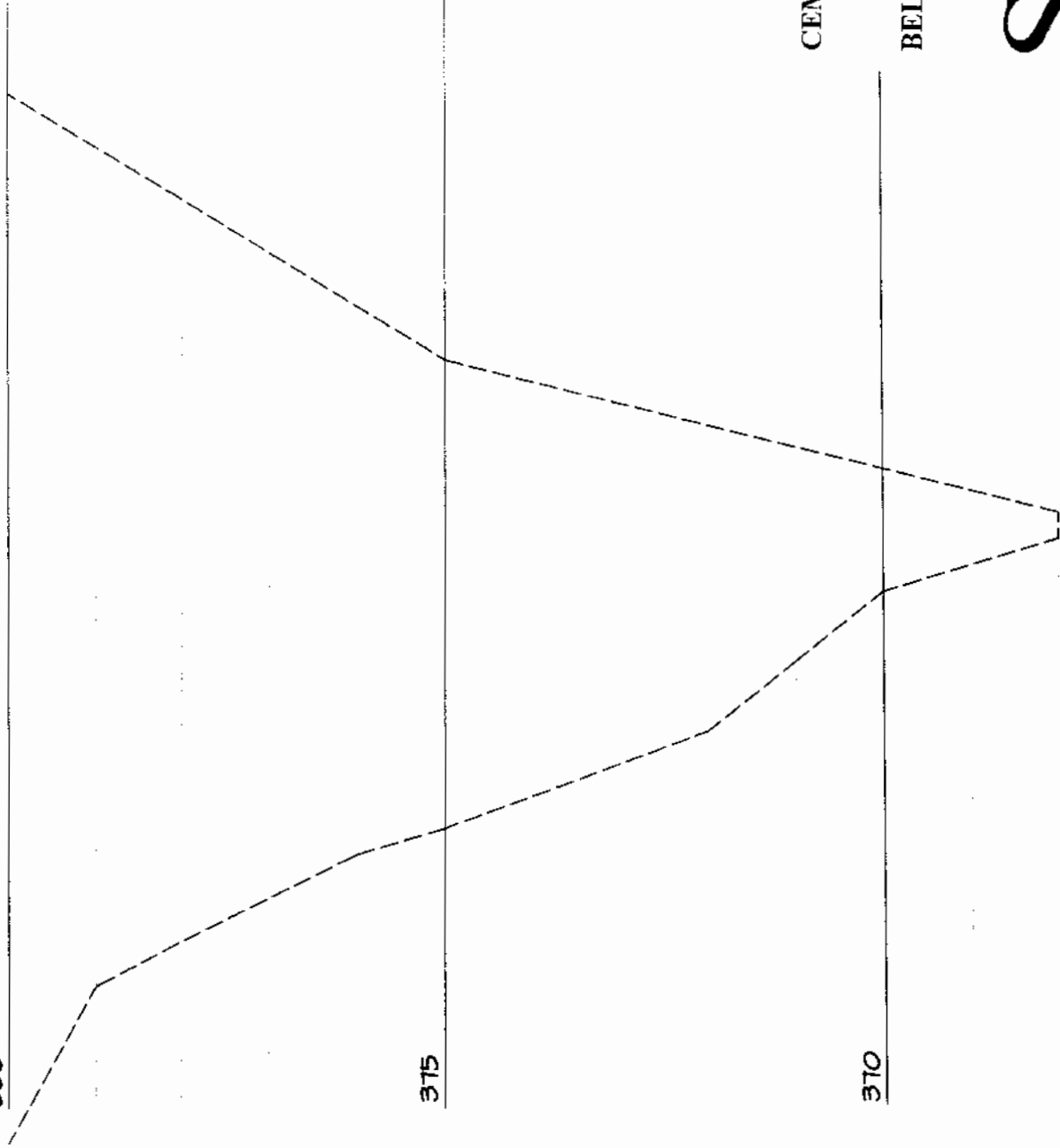
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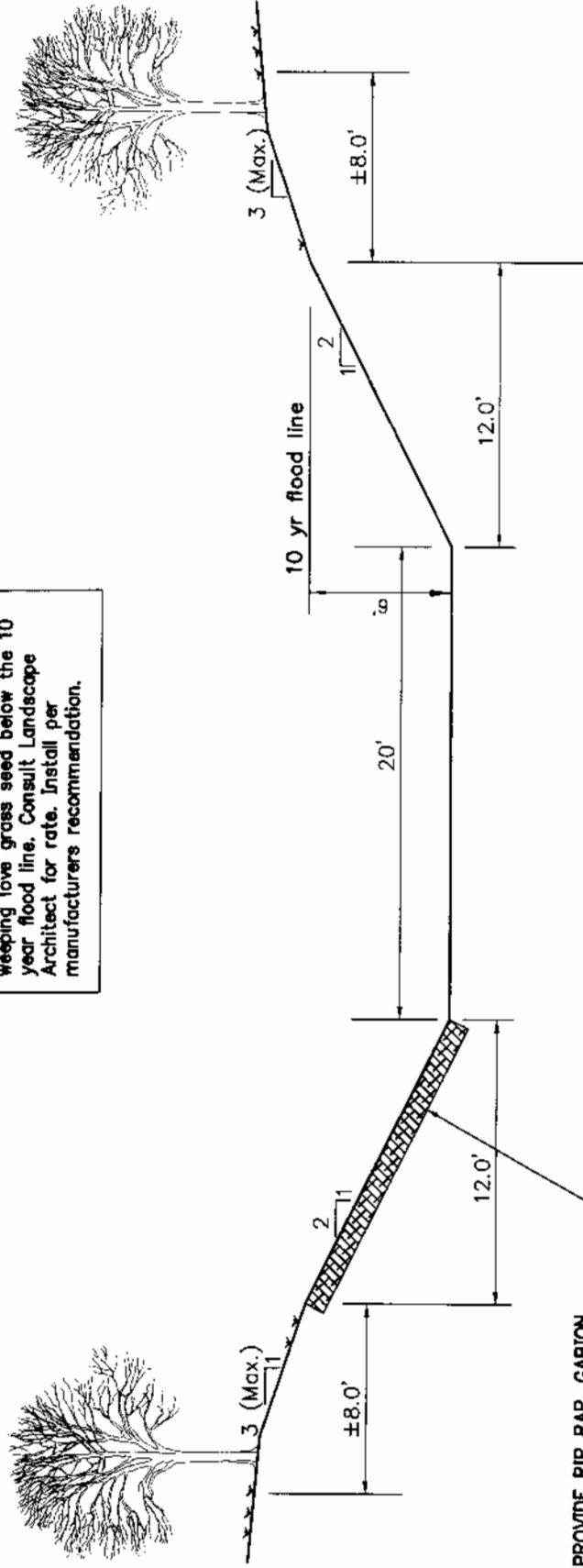
BELZ-INVESTCO GP

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901-371-0150
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CONSULTING, LLC

SCALE 1"=20' H, 1"=2' V

Section 3

NOTE: Use permanent erosion control/turf reinforcement mat with weeping love grass seed below the 10 year flood line. Consult Landscape Architect for rate. Install per manufacturers recommendation.



PROVIDE RIP RAP, GABION MATTRESS OR INTERLOCKING CONCRETE CELLULAR BLOCK PROTECTION ALONG OUTER BANK IN BENDS AS SHOWN ON PLAN. NEW CHANNEL TO BE STABILIZED BEFORE CONNECTING TO EXISTING DITCH.

PROPOSED CHANNEL SECTION
N.T.S.

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BELZ-INVESTCO GP

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